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CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS  
CRIMINAL TRIAL ATTORNEYS

February 13, 2012

Honorable Joel A. Pisano, U.S.D.J.  
UNITED STATES COURTHOUSE  
402 East State Street, Room 341  
Trenton, New Jersey 08608

Re: U.S.A. v. Larry Berke  
Crim. No. 09-857 (JAP)

Dear Judge Pisano:

On December 19, 2011, the Court sentenced Larry Berke to 24 months imprisonment. It ordered Mr. Berke to surrender himself for service on January 30, 2012. However, in response to his earlier motion in which he advised the Court that he had not heard from Bureau of Prisons as to his designated institution, the Court amended the Judgment of Conviction to change his surrender date to February 20, 2012. He now moves again to amend the JOC to change the surrender date.

Mr. Berke has still not heard anything from the Bureau of Prisons with regard to the designated institution. One cannot help but wonder if the BOP is having difficulty ascertaining how it will accommodate Mr. Berke who is completely deaf since birth. Even if the notice from BOP is imminent, because of Mr. Berke's disability, arrangements for travel to his designated institution are likely to be difficult to make on such short notice.

In addition, Mr. Berke's mother has fallen ill since the date of sentencing, I am attaching Mr. Berke's recent email to me indicating that his 86 year old mother, who is also completely deaf, has become quite ill. She is in the hospital having just been diagnosed with A.L.S. (Lou Gehrig's disease). She is on a ventilator and is having a tracheotomy today. Longer term, Mr. Berke is trying to figure out how to care for his mother.

At the end of Mr. Berke's email he expresses his hope that his sentence could be converted to one involving home confinement and a location monitoring program. No doubt that request is influenced, in part, by his knowledge that his co-defendant, Kim Hawkins received such a sentence.

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Under all these circumstances, it seems appropriate to allow Mr. Berke more time to address his affairs. Allowing him until April 23 would also give him a window of opportunity to address the shoulder surgery that he needs. I will get more information on that if the Court needs it now. However, I wanted to get this request in as soon as possible.

Respectfully submitted,

HAVESON AND OTIS

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Hal K. Haveson

Enclosure  
HKH:rst